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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,955	12/04/2001	Marc Ivor John Beale	MSL-1	3437

7590 07/08/2004

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EXAMINER

MENGISTU, AMARE

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 07/08/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,955

Applicant(s)

BEALE, MARC IVOR JOHN

Examiner

Amare Mengistu

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,5,10,15,21,23,24 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-9,11-14,16-20,22,25-33 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 2,4,5,10,15,21,23,24 and 34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species III, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/14/04.
2. Applicant's election without traverse of species III in the reply filed on 4/14/04 is acknowledged.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "**pointing device**" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. Claims 1 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of the claims 1 and 20, the last 2 lines "***but not consisting of movement toward a selectable region associated with a desired symbol of the like***" is not clear. When one selects a symbol does that mean he can select a symbol in a parallel direction? Please explain.

5. Regarding claims 13 and 14 lines 2, the phrase "***or the like***" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,3,6-9,11-14,16-20,22,25-33,35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hanson et al** (5,483,235).

8. As to claims 1, 3,22, 25,**Hanson et al**, discloses a communication system comprising: means defining a communication region having associated therewith a plurality of symbols of the like (fig.2 (12)) and being responsive to a user controlled pointing device (fig.2 (16)) whereby a desired symbol or the like can be selected by detecting movement of the pointing device along a predetermined bearing with the communication region (col.2, lines 18-24 (fig.2 regions [F1, F2.]; [1,2...]; [A, B...]), the predetermined bearing being substantially parallel to a direction of the desired symbol of the like relative to a central region of the communication region within a tolerance determined by the angular separation of adjacent symbols (fig.2 (12)[1,2,3...#]). It would have been obvious to one skill in the art at the time of the invention was made to have recognize that the communication system of **Hanson et al** teaches one can select a symbol in parallel direction (fig.1 (12) [F1, F2...F10]), but not consisting of movement toward a selectable region associated with a desired symbol or the like (as best understood).

As to claims 6,7,8, **Hanson et al**, teaches that the user controlled pointing device whereby a desired symbol can be selected by movement of the pointing device in a predetermined direction within the pointing device in a predetermined direction within the region with which the desired symbol is associated (fig.2 [F1, F2...]; [A, B.]; [1,2, #]).

As to claim 9, wherein two sets of communication regions are provided (see, fig.2 first set of region [1,2...#]; second set of region [A, B...Z]) as taught by **Hanson et al**.

As to claims 11 and 30, **Hanson et al**, discloses means is provided for selecting a further symbol or the like arranged within an area encompassed by each region by tapping the area within the desired region (see, fig.2 region [F1, F2...F10] or region [1,2...#]).

As to claims 12 and 31, **Hanson et al**, also teaches means is provided for selecting further symbols or the like by employing a different form of movement form that require to select from the basic symbols (see, fig.2 [F1, F2...F10]).

In regard to claims 13,14,31-33, **Hanson et al** the symbols or the like may be selected on the basis of the speed of movement of the pointing device (see, col.2, lines 31-40) or combination of movements (col.3, lines 41-46).

As to claims 16-18,35-37, one skill in the art would have recognize that the **Hanson et al** device would obviously teaches that the combination movement includes a linear movement in a first direction that is and/or end thereof or reversing the first direction (see, fig.2 [selecting the letter R, F in the first direction and then selecting the letter C, Q in a reverse direction) or two sequential linear movements at a predetermined angle to each other (fig.2 [selecting R, O, G]).

As to claims 19 and 38, **Hanson et al** teaches that the region or the regions are touch screen (see, fig.2 (28), col.2, lines 9-17).

As to claims 26,27,28,29, **Hanson et al**, discloses having three communication regions, each regions having associated therewith a plurality of symbols (fig.2 [1,2...]; [A, B...Z]; [F1, F2.F10]), a desired symbol or the like being selected by movement within the region having the desired symbol or the like associated therewith in a predetermined direction relative to the desired symbol or the like (col.4, lines 1-18,46-67).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703)305-4880. The examiner can normally be reached on M-F,T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703)305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amare Mengistu

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Art Unit: 2673

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Primary Examiner
Art Unit 2673

A.M
June 23,2004